LEGISLATIVE BUSINESS—OFFICIAL BILLS

1. The Cochin Press and Registration of Books (Amendent) Bill

Mr. M. Sivarama Menon *(Advocate-General):* I move that [1]the Cochin Press and Registration of Books Act (Amendment) Bill be taken up and finally passed into law.

Mr. K. S. Raghavan *(Secretary to Government):* I second it.

The motion put and carried.

2. The Cochin Factories Act (Amendment) Bill.

Mr. K. S. Raghavan *(Secretary to Government):* I move that [2]the Cochin Factories Act (Amendment) Bill be takn up finally passed into law.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

The motion put and carried.

NON-OFFICIAL BILLS

1. The Cochin Verumpattamdars Act (Amendment) Bill

Mr. A. Eachara Menon *(Chittur-Tattamangalam):* I request that this may be postponed to the next session.

The request was agreed to

2. The Cochin Agriculturists Relief Act (Amendment) Bill

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Mr. President, I beg to present the [3]Report of the Select Committee appointed by this house at its last sitting in November 1945 to reconsider clauses 4 and 5 of the original Bill which had been reported on by the first Select Committee on 19th Kumbham 1120.

The original Bill had been, Sir, a five clause Bill brought in by me to undo the mischief brought about by two decisions of the Hon'ble High Court of Cochin. The Agriculturist's Relief Act is an Act placed on the Statute Book of Cochin to give relief to agriculturist debtors as also to agriculturists tenants of the State. Act No. XVIII of 1114 provided by sections 7, 8 and 9 of the Act that agriculturists debtors need pay only such amount as is scaled down under the provisons of the Act whether the debts had ripened into decrees of court or otherwise. Section 16 of the Act provided for the scaling down of Verumpattam due from agriculturists, cultivators of the land while section 17 provided for the scaling down of michavaram payable by Kanom tenants, under the conditions mentioned in these sections. This Act, Sir, this House might know, gave substantial relief to agriculturists debtors as also agriculturists tenants. The decision of our Hon'ble High Court reported in IX of Cochin Law Journal laid down the dictum that Verumpattom or Michavaram due from tenants need be scaled down only as debts when the tenant concerned had executed in favour of the landlord documents such as promisory notes, bonds or mortgages in settlement of arrears of Pattom or Michavaram payable by him. The effect of this decision, Sir, has been to lessen very much the relief granted to Kanamdars and Verumpattomdars under sections 16 and 17 of the Act.

Yet another decision of the Hon'ble High Court of Cochin reported at page 343 of X Cochin Law Journal laid down the law that in cases were the agriculturists judgment debtors had not applied, within 90 days of the coming into force of the Agriculturists Refief Act, for the scaling of the decrees they are not to enjoy the beneficial provisions of the Act or in other words such debtors had to pay the whole amount of the decree as seen therefrom. This decision, Sir, completely denied all the benifits allowed under the Act if the judgment debtor failed to apply for scaling down the decree debt within 90 days from 1st Chingam 1115 when the Act came into force. While the IX Cochin Law Journal case only witted down the extent of relief granted by the Act to Agriculturists tenants, the X Cochin Law Journal case completely denied the benefits granted under the Act.

With a view to undo the mischief brought about by these decisions of the Hon'ble High Court I tabled the amending Bill which the House will be considering presently. The Bill as

---

1. *Please see Appendix IV.*
2. *Please see Appendix V.*
3. *Please see Appendix VI.*

LIBRARY ARCHIVES Kerala Legislative Assembly

originally drafted by me was a 5 clause Bill. Clauses 2 and 3 of the amending Bill sought to get back to agriculturist tenants the full relief given under sections 16 and 17 of the Act even though the arrears of pattom or michavaram had changed their form by settlement of the dues by executing documents in favour of the Jenmi even in cases where the landlord concerned had dealt with the document by endorsement or assignment of the same in favour of third parties. The scope of clause 4 of the draft Bill was to remove from section 24 of the Act the basis on which the interpretation put upon the operative section of the Act granting relief rested. That clause was for removing the expression "within 90 days from the commencement of the Act" from section 24 of the Act dealing with the application to be made for scaling down of decree debts. Clause 3 of the amending Bill was intended to clarify that the period of 60 days mentioned in section 25 of the Act is applicable only to the period of the stay of the proceedings mentioned in that section and not to anything else.

The Select Committee to which the original Bill was sent for examination and report recommended by a majority of 6 to 2 that clauses 4 and 5 of the draft Bill be deleted from it or in other words endorsed the view laid down by the 10 Cochin Law Journal case. The Committee recommended that clauses 2 and 3 of the amending Bill dealing with the method of scaling down arrears of pattom michavaram be further amended circumscribing the scope of these clauses as shown in clauses 2 and 3 of the republished Bill. The Hon'ble member Mr. K.S. Panicker and the mover dissented from the majority with regard to their recommendation for deletion of clause 4 and 5 and wanted the retention of these clauses which according to them were the life of the Bill as it were.

At the last meeting of the Council the first report of the Select Committee was presented and after a heated discussion this Hon'ble House agreed to recommitting the Bill with specific directions to reconsider whether or not clauses 4 and 5 whose deletion had been recommended by the overwhelming majority of the first select committee should be retained and what the Hon'ble Members have now in their hands is the result of the labours of that select committee.

The report of this new committee, the House would have been pleased to note, Sir, is a unique one if not a picturesque one too. This Committee met twice first to consider the point referred to them and the next and the last time to sign the report. It is most unfortunate, Sir, that only six out of the nine members of the new Committee could meet at the time of the Committee's deliberations on the first occasion. The members who met on that day being equally divided on the point referred to them, the two official members of the committee the Hon'ble member for Law and the Hon'ble Member for Revenue, who had on the former occasion recommended the deletion of the life clauses of the Bill in the company of four non-official members of the first committee opining, with the solid support this time of a solitary non-official member namely the leader of the Prajamandal Party in the Council, that these two clauses be deleted as before and the only two members of the earlier committee who recommended the retention of these clauses holding, in the company of a member of the Ministerialist party that these clauses be retained, the chairman of the Select Committee, the Hon'ble member for Law had to give his casting vote, according to him to maintain the Status quo ante. (I do not see any status quo ante in this matter).

It is this episode, Mr. President, that has been responsible for the picturesque nature of the report already referred to. The picturesqueness lies in this. Six out of the nine members of the Committee answered the reference made to them in the affirmative and recommended that the life clauses of the Bill namely clauses 4 and 5 which are intended to do away with the great harm done to the hard hit agriculturists of the State by the two decisions of our Hon'ble High Court be retained in the Bill and the remaining three recommended the deletion of these clauses, each section of the Committee giving its own reasons for their findings. And yet the recommendation made by these three Hon'ble members pass for the majority or main report while the opinion expressed by double their number is dubbed the dissenting or minority report the ratio standing as 1 to 2 one for the majority and two for the miniority. The non-official member siding with the Government members, has found it necessary at the last moment to write an additional note which takes away much of the force of the so-called majority report signed by him. Can this funny position be described, Sir, by any epithet otherwise than picturesque ? This awkward and unhappy position could well have been avoided if pretentions and actions had not varied largely which very often unfortunately are poles asunder. Without further comments, Sir, at this stage, I move that [1] the Cochin Agriculturists Relief Act (amendment) Bill, as reported by the Select Committee be taken into consideration.

---

[1] Appendix

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. T. K. Nayar (*Pazhayanur*) : I second it.

Mr. President: The question is that the Cochin Agriculturists Relief Act (Amendment) Bill may be taken into consideration.

Motion put and carried

Mr. President: We will take clause 2 of the Bill for consideration.

Mr. M. Sivarama Menon (*Advocate-General*): Sir, I oppose the amendment to clause 2 of the Amending Bill. The Cochin Agriculturists' Relief Act was passed at a time when the prices of Agricultural products were very low. The deterioration in prices was not sprung upon the people as a surprise but it began from the year 1106. This continued depression affected the agriculturists very severely and they found themselves in an unenviable position. It was then found that unless exceptional relief was vouchsafed to them even at the risk of encroaching upon the sanctity of private contracts, their economic condition will become so hopeless that redemption would be impossible. Therefore after a great deal of deliberation it was considered expedient to come forward with a measure of the kind which we have now in the statute book. It was more or less an agreed measure. Immense relief has been granted to the agriculturists by the operation of the Act and it has been in operation for the past 6 or 7 years. A change in the law after the lapse of such a long period is unwise, the more so when the present day economic condition of the agriculturists is at its peak of prosperity. Prices have shot up so considerably that the agriculturists are eagerly clearing up their debts. Applications to the Land Mortgage Bank are very few. Repayments to that Bank are plenty and suits for redemption are on the increase. The argument that the cost of living has also increased is not a factor which has stood in the way of the repaying capacity of the agriculturists as is seen from actual experience. The amendment to the Act has therefore to be considered in the light of these changed circumstances. It may be reasonably contended that it is high time that the Act itself is repealed. At such a juncture the attempt now appears to be to introduce more amendments to the Act which will result in upsetting the position that has been already worked out to its completion, in most cases. An impassionate consideration of the scope of the amendment will lead to the conclusion that it is not justifiable to disturb the provisions of the Act after such a lapse of time under these changed conditions. When a separate document happens to be executed for the payment of arrears of pattam and michavaram, the consideration for the document loses its character as pattam and michavaram. There may be cases when at the time of the execution of the document large amounts might have been given up by the landlord for a final settlement. If such closed transactions are reopened, it will lead to an unsettlement which will prejudice the interests of either.

Though we are now considering only clause 2 of the Bill, I think it is better that general comments on the other clauses of the Bill are also made now so that the House may have an idea of the entire scope of the amending Bill before each clause is voted upon. The next amendment is to take away the time limit of 90 days fixed in the Act for the purpose of filing applications for scaling down decree debts that existed prior to the coming into force of the Act. This period of 90 days was deliberately fixed by the Select Committee in order that the landlord and the tenant may both have their budgets cast with certainty and within a reasonable time of the coming into force of this special legislation. It is practically a rule of limitation. There is no reasonable case made out to show that this provision was so ambiguously cast that several agriculturist debtors misunderstood the scope of the same and failed to take advantage of the provision for no fault of theirs. This position also has been rebutted by the very large number of applications that were filed within the 90 days. The agriculturists were eagerly awaiting the passage of the Bill which they knew would be of great benefit to them. Ignorance of law is no excuse. But if on account of the fault of the legislature there was reasonable scope for a bonafide misunderstanding, there may be an occasion to reconsider the position as to whether the period of limitation should not be extended so as to save those who were bonafide misled by the ambiguous language of the legislature. That is not the case here. Some judgment-debtors may not have cared to apply within the time for reasons of their own. They might be insolvents or they might have parted with their property. Any prudent person cannot be expected to sleep over his rights if really he stood to be benefitted by any special measure that happened to be passed. I do not think that there is material before this Hon'ble House to prove that several judgment debtors failed to apply within the 90 days for no fault of theirs. If there happened to be stray cases here and there, the legislature should not extend its arms for their succour because the legislature cannot force a benefit upon one who does not require it or who by his conduct has abandoned it. I really appreciate the stand taken by the Hon'ble leader of the

LIBRARY ARCHIVES Kerala Legislative Assembly

Mandal party at the second Select Committee stage of this Bill, not because he voted against the amendment, but because the reason ascribed by him was that interference by the legislature on behalf of stray or individual cases is not desirable. As an experienced lawyer he must have understood that there has actually been no misunderstanding of the time limit fixed by the Act in the minds of the agriculturists in general. He asked the Hon'ble mover whether he is able to justify that the amendment is intended for the benefit of a large number of agriculturists who on account of a misunderstanding failed to apply within the time fixed in the Act. There was no convincing reply apart from saying that there are several cases. You cannot thrust upon an agriculturist the benefit which he does not deserve by his negligence or abandonment. That will be encouraging him to be a defaulter always with the hope that the legislature will always save him, whatever be the degree of his latches. Policy is one thing though reason may be another. If you search your hearts I think Hon'ble Members will be feeling with me that there shall be no more legislative amendments to this special legislation which has practically spent itself out. I realise that that is reason. If, however, policy outweighs reason, I have no hope that my position will have any support.

Mr. K. T. Achuthan *(Ezhuvas-Mukundapuram):* It is also my solemn duty to support the motion. I am at a loss to understand why the Government supported the amendment last year and this year want to oppose it. I do not know the reason for the sudden change of attitude by the Government in this simple matter. Last year when the report was submitted there was no change of attitude at all on the part of the Government. I have always been acting in my capacity according to my own conscience. Government have to give a ruling on the report to the Government and I agree to that proposition, regarding the principle. Government are to take their own view and to pass the amendments.

Mr. M. Sivarama Menon *(Advocate-General):* The fact that I have signed it does not mean that Government have signed it. There is no change of attitude at all on the part of the Government on whose behalf, I am now addressing you.

Mr. K. T. Achuthan *(Ezhuvas-Mukundapuram):* Thank you for that.

The Hon'ble Advocate-General was arguing the case that as the pronote or other mortgage deed had been taken for arrears of pattom or michavaram, it has taken up a new colour and a new contract. When that matter was taken up for consideration we could not agree to that. Provision has been made to protect the jenmies also. Moreover when that question has been considered in detail, I may say, a Member of the Select Committee came to a conclusion that even if no scaling down is possible in a pronote for arrears of pattam some principle of remission may be taken into consideration so that there cannot be hardship in benefitting the jenmi when this amendment is passed. When Government has given some benefit to the tenants by way of scaling down the case will be stronger. During the last three or four years the agriculturists' case became very bad. They were not in a position even to give pattam and michavaram.

Mr. P. Govinda Menon *(Ernakulam):* Where is the provision in the Bill to cover this arrears?

Mr. K. T. Achuthan *(Ezhuvas-Mukundapuram):* Roughly there is some provision in the amendment. The jenmi who keeps the defaulted tenants for the last so many years is not in need of money, he being very rich. Remission must be given to such tenants who are debtors. To close the matter our position is that they may be given the benefit of the Agriculturists Relief Act. That is the point in sections 4 and 5.

Then section 24. In that case, the Advocate-General was not quite right when he said that if one was a debtor at that time there would have been no necessity for this amendment since he could have put in a scaling down petition. There may be hundreds of such cases, which have not been satisfied after these long five years. Suppose there is a debtor in 1114 and there is a decree-holder also. If the decree-holder was vigilant,the decree might have been executed and satisfied. Suppose a debtor in 1114 was not in a position to clear off his debts during the last 6 years where is the difficulty for the Advocate-General to undetstand his real poor candition. If he has paid it, then the debt may not be existing now. If the decree-holder was in a needy position he would have realised the same. There is a rise in price and that was of equal benefit to the debtors and creditors. The principle lies there. Government must come to the rescue of the poor; because they were not able to pay the arrears of pattom or michavaram. Government ought not to have opposed this amendment. After the discussion of these points we have made our position clear. For these reasons I support this amendment.

LIBRARY ARCHIVES Kerala Legislative Assembly

*മിസ്റ്റർ സി. എൻ. ഇട്ടിരവി നമ്പൂതിരി: മിസ്റ്റർ പ്രസിഡണ്ട് സർ, ഞാൻ ഇതിനെ എതിർക്കുന്നു. അതായതു് കാലത്തിന്നനുസരിച്ചു് നിയമം ഇല്ലാതെ വരുമ്പോഴാണ് ഈ കുഴപ്പമൊക്കെ ഉണ്ടാകുന്നതു്, ഈ വലിയ വാദപ്രതിവാദത്തിന്നു് കാരണം. ഇപ്പോൾ കടക്കാർ കടം മേടിച്ചാൽ അതു് തിരിച്ചു് കൊടുക്കയില്ലെന്നു് തന്നെയല്ല, കുറെക്കൂടി അങ്ങോട്ടു് കൊടുക്കണമെന്നു് പറയുന്ന കാലമാണു്. ഒരാൾ കടം മേടിച്ചാൽ ആ സംഖ്യ മടക്കി കൊടുക്കാതെ ഇരിക്കുന്ന പക്ഷം അതു അയാൾക്കു കഴിവില്ലാത്തതു കൊണ്ടാണെന്നു് തീരുമാനിക്കുകയാണെങ്കിൽ പിന്നെ, അതിന്നു കോട്ടിൽ ഒരന്യായം ബോധിപ്പിക്കാൻ പാടില്ലെന്നു ഒരു നിയമമുണ്ടാക്കിയാൽ പോരെ? എന്നാൽ പിന്നെ വ്യവഹാരമുണ്ടാകയില്ലല്ലൊ? വാസ്തവത്തിൽ ഇന്നു കടക്കാക്കു കഴിവില്ലാത്തതുകൊണ്ടല്ല കൊടുക്കാൻ മനസ്സില്ലാത്തതു കൊണ്ടാണു്. അങ്ങിനെ അല്ല, കഴിവില്ലായ്മയാണു കൊടുക്കാതെ ഇരിക്കുന്നതിന്നു കാരണമെന്നു തീരുമാനിക്കുകയാണെങ്കിൽ കടം മേടിച്ചവർ പിന്നെ കൊടുക്കേണ്ട എന്നു ഒരു നിയമമുണ്ടാക്കിയാൽ മതി. അതിന്നായി എല്ലാവരുംകൂടി ആലോചിച്ചു ഒരു നിയമമുണ്ടാക്കുകയാണു ഭേദം. നിയമമുണ്ടാക്കുവാനാണല്ലൊ നമ്മൾ ഇവിടെ കൂടിയിരിക്കുന്നതു്. ഇവിടെ ഇങ്ങിനെ കൂടി ഇത്തരം നിയമങ്ങളുണ്ടാക്കി രാജ്യത്തിൽ കുഴപ്പമുണ്ടാക്കുകയാണല്ലൊ നമ്മളുടെ ജോലി. ഏതോ ഒരു കാലത്തു ഡിപ്രഷൻ വന്നു പക്ഷെ, ആ കാലവും കഴിഞ്ഞു, അഞ്ചോ പത്തോ കൊല്ലവും കഴിഞ്ഞു. അന്നു അതു സംബന്ധിച്ചുണ്ടാക്കിയ നിയമം മാറാതെ ഇപ്പോഴും വെച്ചുകൊണ്ടിരിക്കുന്നതു രാജ്യത്തിന്നു അപമാനകരമാണു്. അതിന്നുള്ള ഒരു ബിൽ ഗവമ്മെണ്ടിൽനിന്നു കൊണ്ടുവരാതെ അങ്ങിനെയും ഇങ്ങിനെയും പറഞ്ഞു അതു തട്ടി ഉരുട്ടുകയാണു്. അഞ്ചാറു കൊല്ലത്തിന്നുള്ളിൽ എന്തെല്ലാം നിയമങ്ങൾ ഗവമ്മെണ്ടുണ്ടാക്കി അതു രാജ്യത്തിലെ ജനങ്ങളെ രക്ഷിക്കാനല്ലെ? എന്നാൽ ആവശ്യം കഴിഞ്ഞാൽ ആ നിയമം എടുത്തുകളയരുതെ. ഫ്ലഫ്നുടക്കൂടി ഡിപ്രഷൻ കഴിഞ്ഞു പാട്ടബാക്കി പകുതി വെട്ടിക്കുറയ്ക്കാൻ പറഞ്ഞു ഡെഡ് റിലീഫ് ആക്ട് വന്നു; നെല്ലെടുപ്പു നിയമം വന്നു. ഇങ്ങിനെ എന്തെല്ലാം നിയമങ്ങൾ ഗവമ്മെണ്ടുണ്ടാക്കി. എന്നാൽ ഈവക നിയമങ്ങൾകൊണ്ടൊന്നും ലോകം വലിയൊരു തീരിച്ചിലിൽ ഒന്നും തിരിയുകയില്ല. അതുകൊണ്ടു് വേണ്ടകായ്ങ്ങൾ ആലോചിച്ചാൽമതി എന്നാണു് എനിക്കു പറയുവാനുള്ളതു്.

*മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: മിസ്റ്റർ പ്രസിഡണ്ട് സർ, ബഹുമാനപ്പെട്ട അഡ്വക്കേറ്റ് ജനറലിന്റെ ആവേശജനകമായ പ്രസംഗം ഈ നിയമസഭയെ വ്യാമോഹിപ്പിക്കുന്നതിന്നോ പ്രലോഭിപ്പിക്കുന്നതിന്നൊ പര്യാപ്തമായിട്ടില്ലെന്നു ഞാൻ വിശ്വസിക്കുന്നു. ഈ ഭേദഗതി ബിൽ കഴിഞ്ഞ നിയമസഭയിൽ വന്നപ്പോൾ, ൯൦ ദിവസത്തെ കാലാവധി മാറാത്ത കാര്യത്തിലല്ലാതെ മറ്റു കാര്യങ്ങളിൽ പരിപൂർണ്ണമായി യോജിച്ചിരുന്ന അദ്ദേഹം ഇപ്പോഴെന്താണു് ഈ നില എടുത്തതെന്നു മനസ്സിലാകുന്നില്ല. ഒരു പക്ഷെ "പറയുവെട്ടി മുടിക്കു എടുക്കാ"മെന്ന ന്യായത്തിൽ ഈ ബിൽ ആകപ്പാടെ എടുക്കാമെന്നുവെച്ചതാണൊ എന്നുകൂടി ഞാൻ സംശയിക്കുന്നു. ഈ നിയമസഭയിൽ ഈ ഭേദഗതി ബിൽ ആലോചനയ്ക്കു വന്നപ്പോൾ പ്രജാമണ്ഡലത്തിന്റെ ലീഡറായ മെംബറെ എത്രയോ അധികം പ്രശംസിക്കാൻ, ഞങ്ങളെക്കാളും ഉയരത്തിൽ കൊണ്ടുവെയ്ക്കാൻ അഡ്വക്കേറ്റ് ജനറൽ ശ്രമിച്ചിട്ടുണ്ടു്. അതു പ്രജാമണ്ഡലം ലീഡർ എന്ന നിലയിലാണു് അദ്ദേഹത്തിന്റെ അഭിപ്രായപ്രകടനമെന്നു ഞാൻ വിശ്വസിക്കുന്നില്ല. കാരണം, പ്രജാമണ്ഡലത്തിലെ മറ്റൊരു പ്രമുഖാംഗം ഇതിനെ ശക്തിയായി പിന്താങ്ങിട്ടുണ്ടു്. അദ്ദേഹം ഒരു ജന്മിയാണെന്നുള്ള സംഗതി ഈ നിയമസഭയിൽ ആദ്യംമുതൽ വന്നിട്ടുള്ളവർക്കറിയാം. എനിക്കുമറിയാം. കുടിയാന്റെ പേരിൽ മുതലക്കണ്ണുനീരൊഴുക്കി തീച്ചയായും ജന്മിയുടെ തലയിൽ കിരീടം വെയ്ക്കാൻ പോകയാണു്. പ്രജാമണ്ഡലം ലീഡറുടെ അഭിപ്രായം ഒരു രാഷ്ട്രീയകക്ഷിയുടെ അഭിപ്രായമായി അഡ്വക്കേറ്റ് ജനറൽ വിശ്വസിക്കുന്നുണ്ടെങ്കിൽ അതു വിസ്മിതപ്രമാണു്. മുതലാളിക്കാരനായ ഒരാൾ പാട്ടബാക്കിയൊ മിച്ചവാരമൊ കൊടുക്കാൻ തയ്യാറുണ്ടെങ്കിൽ അതിലൊരു വെട്ടിക്കുറവിന്നു സ്ഥാനമില്ലെന്നു പറയുന്ന ഗവമ്മെണ്ടു—മുതലാളിക്കു പെരുമാറുന്ന ആളുകളോടു മുതലാളിയായി പെരുമാറേണ്ടെന്നു പറയുന്ന ഗവമ്മെണ്ടു—കൊണ്ടുവരുന്ന ഇത്തരം അഭിപ്രായങ്ങളെ എതിർക്കാതെ തരമില്ല. ഇപ്പോൾ പാട്ടബാക്കിയൊ മിച്ചവാരബാക്കിയൊ ഉണ്ടെങ്കിൽ അതു തീർക്കുന്ന അവസരത്തിൽ

*Speech not corrected by the Hon'ble member.

LIBRARY ARCHIVES Kerala Legislative Assembly

അനുവദിച്ചുകൊടുക്കുന്ന വെട്ടിക്കുറവു് ഈ പുതിയ കടത്തിനും, ഇതൊരു പുതിയ കടമാണെന്നു വിചാരിക്കാതെ പഴയ കടമാണെന്നു വിചാരിച്ചു് അനുവദിക്കണമെന്നാണു് ബഹുമാനപ്പെട്ട വടക്കാഞ്ചേരി മെംബർ ആവശ്യപ്പെട്ടതു്. രണ്ടാമതു് നം ദിവസത്തിനകം കോട്ടിൽ അറിയിക്കാത്ത ആളുകൾക്കു ഈ വെട്ടിക്കുറവിനു അവകാശപ്പെടുവാൻ നിവൃത്തിയില്ല. ബഹുമാനപ്പെട്ട എറണാകുളം മെംബർ പറയുകയുണ്ടായി ഇങ്ങിനെയുള്ള കേസ്സുകൾ വളരെ ചുരുക്കമാണെന്നു്. എന്നാൽ വിരലിൽ എണ്ണാനുള്ള കേസുകളെങ്കിലുമുണ്ടോ എന്നു ഞാൻ ചോദിക്കുന്നു. ഒർല്ലഭം ചില ആളുകൾക്കെ ഈ ഭേദഗതിബിൽ കൊണ്ടു് ഉപകാരമുണ്ടാകുന്നുള്ളുവെന്നാണു് ഗവമ്മെണ്ടു പറയുന്നതെങ്കിൽ ആ ചുരുക്കം പേർക്കെങ്കിലും ഉപകാരമാകുന്നുണ്ടല്ലൊ എന്നു ഈ ഭേദഗതി സ്വീകരിക്കുന്നതുകൊണ്ടു് ഗവമ്മെണ്ടിനു് സമാധാനിക്കാം. ഒരു കാലം—സാമ്പത്തികാധഃപതനമുണ്ടായ കാലം—ജനങ്ങളുടെ കഷ്ടപ്പാടു തീർക്കുന്നതിനു ഇങ്ങിനെ ഒരു ബിൽ—ഒരു കാഷ്മീകാശ്വാസബിൽ—പാസ്സാക്കേണ്ടി വന്നു. എന്നാൽ യുദ്ധപരിതഃസ്ഥിതികൊണ്ടു് ആ നില വിട്ടു. കടക്കാർ കൊടുക്കാനുള്ളതും കഴിഞ്ഞു ബാക്കി കുറെ കയ്യിൽ സൂക്ഷിപ്പുണ്ടെന്നും ജന്മി മെമ്പർക്കു അഭിപ്രായമുണ്ടെങ്കിൽ അങ്ങിനെയുള്ളവർ എത്രയുണ്ടെന്നു നല്ലവണ്ണം ആലോചിച്ചു നോക്കണം. ഈ യുദ്ധപരിതഃസ്ഥിതികൊണ്ടുമൂലം വിളവുകൊണ്ടെല്ലാം വില വർദ്ധിച്ചിരിക്കുന്ന ഈ കാലത്തു വസ്തുക്കടം തല്ക്കാലം കൈവശമില്ലെങ്കിൽ പിന്നെങ്ങിനെയാണു് അവരുടെ സാമ്പത്തിക നില നന്നാകുന്നതു്. വസ്തുക്കടം കയ്യിൽനിന്നു വിട്ടുപോയിട്ടുണ്ടെങ്കിൽ ഇതൊന്നുമുണ്ടാകാൻ വഴി ഇല്ല. യുദ്ധകാലത്തുണ്ടായ ഭാഗ്യം രണ്ടാണു്. ഒന്നു ഈശ്വരൻ നൽകിയ ഭാഗ്യം, രണ്ടു ഹിറ്റ്ലർ നൽകിയ ഭാഗ്യം. ഈ ഭാഗ്യങ്ങൾകൊണ്ടു ജനങ്ങൾക്കു ഉയരുവാൻ സാധിച്ചിട്ടുണ്ടെങ്കിൽ അതു പണിയായുധം ഉള്ളവർക്കു മാത്രമെ പണിയാൻ കഴിയുകയുള്ളുവെന്നുകൂടി ആലോചിക്കണം. വാസ്തവത്തിൽ വേണ്ട സംഖ്യ ഇല്ലാത്തതുകൊണ്ടതന്നെയാണു് ഈ കടം വീട്ടാത്തതു്. അങ്ങിനെയുള്ളവർ കുറച്ചു പേർ മാത്രമാണെന്നു ബഹുമാനപ്പെട്ട അഡ്വക്കേറ്റ് ജനറലൊ ബഹുമാനപ്പെട്ട എറണാകുളം മെമ്പറൊ പറയുന്നുണ്ടെങ്കിൽ, അങ്ങിനെയുള്ള കുറച്ചാളുകൾക്കെങ്കിലും ഉപകാരമാകുംവിധം ഈ ഭേദഗതിബിൽ പാസ്സാക്കി അവരെ രക്ഷിക്കണമെന്നാണു് ഞാൻ അവരോടു അഭിപ്രായപ്പെടുന്നതു്. അതിനുള്ള ആനുകൂല്യം ഈ സഭയിൽ ഉണ്ടാകുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു. ഈ നിയമസഭയിലും കഴിഞ്ഞ നിയമസഭയിലും ഈ ഭേദഗതിബിൽ വന്നപ്പോൾ ആദ്യം പറഞ്ഞ പാട്ടബാക്കിക്കും മിച്ചവാരബാക്കിക്കും ആനുകൂല്യം കൊടുക്കണമെന്നു അഭിപ്രായപ്പെട്ടിരുന്ന മെമ്പറായിരുന്ന അഡ്വക്കേറ്റ് ജനറൽ ഈ നിയമസഭയും അതിനനുകൂലമായിരുന്നു. ഇപ്പോൾ അഡ്വക്കേറ്റ് ജനറൽ ആ അഭിപ്രായത്തിൽനിന്നു മാറിപ്പോയതിൽ നിശ്ചയമായും അദ്ദേഹത്തിനു വ്യസനമുണ്ടാകും. അതു അദ്ദേഹത്തിന്റെ മുഖഭാവത്തിൽ നിന്നു മനസ്സിലാകുന്നുണ്ടു്. പ്രത്യേകിച്ചു പണിക്കനായ എനിക്കു ഉള്ളിലുള്ള അഭിപ്രായം അറിയാനും സാധിക്കും.

അതുകൊണ്ടു് എല്ലാവരും ഈ ഭേദഗതിബിൽ അനുകൂലിച്ചു നിയമസഭ ഐകകണ്ഠ്യേന പാസ്സാക്കണം.

The House rose for lunch at 1-30 p.m. and reassembled at 2-30 p.m. with the Deputy President in the Chair.

***Mr. P. Govinda Menon** *(Ernakulam):* During the discussion of this Bill my name came in more than once and was referred to by more than one speaker. In the discussion two or three clauses in the Bill seems to have been discussed together although clause (2) alone was taken up for consideration by the Hon'ble President. In view of the note which I have appended or added to the Select Committee report I wish to make before this House the attitude that my party is going to take in this matter. Whatever be the measure which is introduced on the floor of this House if that measure is calculated to benefit the masses and the poor people in our country, certainly the Praja Mandal party will lend its support to that Bill. (Hear, hear). The note appended by me to the Select Committee report will make it clear that my only anxiety in the matter is that the machinery of the legislature should not be made use of to cover cases which are in number few and far between. Now the amendments were discussed in such a fashion that those of the Members here who are not intimately connected with the several provisions of the Agriculturists Relief Act would not have understood what the scope of

*Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

the measure before the House is. I therefore take leave of this House to state a few facts which led to the amendment now before this House. The Agriculturists Relief Act as the Hon'ble High Court of Cochin had occasions more than once is an intricate inarticulate piece of legislation and has led to several controversies. As the House very well knows the Act came into force on 1st Chingam 1115 and decrees which were passed by the Courts of this State after 1st Chingam 1115 were passed with the provisions of the Agriculturists Relief Act before them. The provisions of the Agriculturists Relief Act were applied in those decrees which were passed by the Courts in our State after 1st Chingam 1115. With respect to decrees which were in existence on 1st Chingam 1115 and decrees which were passed before 1st Chingam 1115 certain special provisions are made and those provisions are contained in sections 24 and 25 of the Act. Section 24 says that those judgment debtors who are entitled to the benefits of the Act being agriculturists those of them who want to have the provisions of the Act applied to the decrees and the decrees amended accordingly must make an application to the Courts before 30th of Thulam that is within 90 days from 1st Chingam 1115. The amendment now before the House tabled by my Hon'ble friend for Vadakkancheri seeks to take away that limitation. that the application should be made within 90 days from 1st Chingam 1115. The reason advanced by the Hon'ble Member for Vadakkancheri is that a certain decision referred to by him in the dissenting minute gave an interpretation to section 24 which necessitated the amendment. In so far as the reason is concerned I must take leave even now to disagree with him because to my knowledge no Court in this State has given an interpretation to section 24 of the Act different from the one which was given by the High Court in the decision referred to except one Learned Judge and who did it on a very special occasion. If the reasons which gave rise to the decision referred to by me are looked into you will see that that is not a case of inadvertence. There was an application within 90 days; but there was another judgment debtor who did not get the benefit of the Act and therefore it was argued that although there is no application by virtue of the wide provisions to section 7 of the Act, even in the absence of an application the provisions of the Act must be applied. It was that ruling that was negatived by the High Court. Whatever that may be when I appended my signature to the Select Committee report what I meant was this and what I still maintain is this. This Act was passed on 1st Chingam 1115. It is a special piece of legislation. The decrees which were sought to be affected by the amendment must be decrees which were in existence on 1st Chingam 1115 that is decrees which were at least more than six years old. As every one in the House knows the period of time under the Civil Procedure Code for which a decree will be allowed is the maximum period of 12 years. Therefore we are now seeking to affect by this amendment certain decrees which are rather very very old and which have been executed in the last more than 6 years after the enactment of the Agriculturists' Relief Act. Even then decrees which were amended by an application being put in within 90 days, a large number still remains unspecified. Then I thought that this is improper to make use of the machinery of the legislature to benefit a few persons who on account of the inadvertence or on account of negligence or on account of some other reason have not applied for the help of the Court for having it amended. Now if the Members of this House think that there are a large number of cases like that, that is to say, the decrees which remains unamended on account of the application not being put in within 90 days, if such cases are very large in number then there is an occasion for the amendment which has been moved. According to my information the number of such decrees are very very few. But the Hon'ble Member for Trichur Ezhuvas and the Hon'ble Member from Vadakkancheri seem to maintain that the numbers are not few, but very large. According to me if the number is very few we will be going out of our way at this late stage in seeking an amendment. Of course one or two stray cases for one reason or other remain unamended on account of the applications not being made within 90 days. If the decision of this House is to apply the provision to such cases I again wish to point out to the Hon'ble Member for Vadakkancheri that the amendment now before the House is not calculated to benefit such cases. Because the amendment does not seek to give retrospective effect to the amending Bill. The Bill will came into force only on the day on which the Sign Manual of His Highness the Maharaja is given to the Bill. Before that time executions would have been taken place, properties would have been sold and money would have been realised. If it is the intention of the Mover of the amendment to take such cases also I wish to take this occasion to point out that that intention will never be carried out and the Bill even if it becomes law will become a useless measure which will not give benefit even to the very few who may not have applied within 90 days. It is for this Praja

LIBRARY ARCHIVES Kerala Legislative Assembly

reason that I thought that it will not be proper to make use of the machinery of the legislature to vote for one or two or three or four individuals by an amending piece of legislation. But as I said we are going to support the amendment because the Mover of the amendment thinks that there are a large number of cases and if there are a large number of cases certainly the Legislature must help them. But I will again request him to frame the Bill in a proper form as to give bnefit to these people also. There are two other points in the Bill which the Government seem to have supported on a previous occasion, but which the Government is opposing now. On that point I am not sure whether the Government is taking a correct attitude. According to me it is not proper. If a pronote or a mortgage deed has been executed for arrears of pattom and michavaram there is no reason why the tenant in such cases should not get the benefit of the Agriculturists Relief Act. (hear, hear). It is well-known, Sir, that the execution of a pronote, or a mortgage, or other negotiable instrument is not payment. In many cases it is only a voucher, in fact a document to show the statement of accounts between the parties. When a pronote is executed by a tenant to the land-lord for arrears of pattam or michavaram to take it that he has paid the pattam or michavaram,and that it remains only as a debt under the Negotiable Instruments Act is not correct. Now the tenant will be deprived of the benefit which he would have got but for the anxiety to give the land-lord a proper statement of accounts between the parties. Therefore according to me the Advocate-General in the Select committee did well and properly in having supported that portion of the amendment. But the position now is one that is incomprehensive. With these remarks, myself and my party, I wish to state before this House, are supporting the amendment, moved by the Hon'ble Member for Vadakkancheri.

I wish to make one more state nent. I take very strong objection to certain references made by the Hon'ble Member for Trichur Ezhuvas, Mr. Panicker. It is not proper that when important matters are being discussed on the floor of this House, observations are made which are improper. My Hon'ble friend was saying that I took up a certain attitude in the Select Committee because I am a jenmi—I am glad to know that people think that I am a jenmi.

Mr. K. Balakrishna Menon *(Cheruthuruthi):* Are you really a jen ni ?

Mr. P. Govinda Menon *(Ernakulam) :* Really I do not own any land.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur) :* You don't own any land?

Mr. P. Govinda Menon *(Ernakulam) :* Of course I belong to a jenmi family. But I have severed my connections with my family. We have only hand to mouth existence. If Members of this house when taking up a certain attitude towards legislation are to cast away reasons to wind and if as a legislator and a lawyer if a certain view is taken, if Hon'ble Members of this House case aspersions, I wish to state that it is most improper. I can easily make aspersions of the same variety. Suppose I with respect to my Hon'ble friend say that he supports this amendment because he is a debtor and he does not want to clear off his debts. Would he like it even if it is a fact? I do not make that aspersion. I want only to make statements about the amendment of the Hon'ble Member from Vadakkancheri because he moved this amendment and if any person who wants to oppose that amendment is going to say that he moved this amendment because his financial state is such and such or because his enemies are such and such, it would be most ridiculous. That is a thing which none must do; neither by express statement nor by suggestion. We may be debtors and creditors. But we must be credited with sincerity of purpose and it is no credit to Members to indulge in such unnecessary and out-of-the way criticisms. With these observations and knowing as I do that my Hon'ble friend, Mr. Panicker, that he did not mean what he said, I resume my seat.

Mr. K. Balakrishna Menon *(Cheruthuruthi):* I too had no idea to intervene in the debate not because the subject is not important but because I thought I could not do proper Justice to it as, I am not feeling well. Applying all the principles which the learned Advocate-General wanted every member to bear in mind in the matter of voting for this motion, that is to say that one is solely to be guided by the conscience, I may assure you that, if I am on my legs now and if I propose to cast my vote in favour of the amendment, it is only because I find it is in consonance with my own convictions and my own conscience. Now coming to the merits of the opposition to this amendment on an analysis I find that the basis of the whole reasoning, is the general economic conditions which then existed. Now on the other hand according to the Advocate-General it has considerably improved. Sir, I have only to bring to the notice of this House, that if Society is to be divided broadly into three of its demarcations, that is, the rich, the

LIBRARY ARCHIVES Kerala Legislative Assembly

poor and the middle, you will find the present rise in the prices of articles has in no way affected the middle-classes and I should say for the better; that this Act was primarily meant to give relief to their kind. You know without any difficulty the poor seldom has to incur a debt because there is no means of clearing it off and nobody would lend to them. For the rich it is not necessary. It is only the middle class who had landed themselves in difficulty and it was to them that a certain measure of relief is necessary. The learned Advocate-General says that it was fall in the price of things which brought about greater difficulties for them and so this Relief Act was introduced here. I, for one, am not prepared to fully endorse it. I should say that because the neighbouring parts in British India brought in this Relief Act. They only thought of imitating the British Government in this matter. Whatever that be, my cardinal point is this that they will find the price of things as concieved by the Advocate-General has absolutely no sort of bearing upon the question at issue. If there is one as pointed out by me then the argument that some special measure was then necessary is also equally good today when the condition of the middle class has in no way improved. In addition to this, another objection raised by the Advocate-General was, that is a good number of these debtors had been sleeping over and even otherwise ignorance of law is no justification. Now I may say, Sir, ignorance of law is not a justification, and I concede it; but only when the law itself is unambiguous. Here it is just the other way.

Section 24 says that it is open not only to the judgement-debtor but also to the decree holder to apply to scale down the debt and so long as the law is like that there is nothing wrong in the ordinary man taking it for granted that the judgement debtor need not apply. He can as well remain under the impression that the decree holder would do it. So long as there is this chance for an ordinary man to understand the law as it stood I submit to this House there is nothing wrong if a man had lagged behind and not rushed up to the court of law immediately. In such cases we are not introducing this piece of legislation for the purpose of covering stray cases or helping indolent persons as observed by the Advocate-General, but only to rectify a mistake that, has otherwise crept down in the legislation; in other words the question of making use of the machinery of the legislature for the purpose of covering stray case does not come into play at all. We are only setting matters right. What harm is there in passing this amendment, even if there is none to be benefited by it, provided it will make an existing law unambiguous.

Then regarding the stray cases and all that, I may submit to the House that in my own experience I have also come across a good number of cases; I cannot exactly assert the figure. I have come across a good number of persons who had not put in this petition within the 90 days as acontemplated in section 24 for the reasons stated by me. So my submission to this House is this amendment has necessarily to be supported.

റാവു സാഹിബ് കെ. അയ്യപ്പൻ : വളരെ നടന്ന വാദപ്രതിവാദത്തിന്റെ വിവരം കേട്ടശേഷം ഈ ഭേദഗതി ആവശ്യമാണെന്നു തോന്നുന്നു. പ്രധാനമായി ഇതിനെതിരായി പറഞ്ഞുകേട്ട കാരണം അധികം കേസ്സുകൾ ഒന്നും ഇല്ലെന്നതാണു്. അങ്ങിനെയാണെങ്കിൽ ഇതു പാസ്സാക്കിയാലും വലിയ കുഴപ്പമില്ല. എന്നല്ല, ഇതു പാസ്സാക്കിയാൽ ആർക്കും ഉപദ്രവവുമില്ലല്ലൊ? അതിനാൽ അതിനുവേണ്ടി ഇത്ര സമയം കളയേണ്ടതില്ല. പിന്നെ, സാധനങ്ങളുടെ വില കുടീട്ടും കടം തീർക്കാൻ കഴിഞ്ഞിട്ടില്ലെന്നിരിക്കെ വാസ്തവത്തിൽ അവർക്കുവേണ്ടിത്തന്നെ ഇതു പാസ്സാക്കണം. സാധനങ്ങൾക്കു വില കുടീട്ടും കടം തീർക്കാൻ കഴിഞ്ഞിട്ടില്ലെങ്കിൽ അവർക്കല്ലെ രക്ഷ വേണ്ടതു്? വളരെ ചുരുക്കം പേർക്കല്ലെ കൊടുക്കേണ്ടി വരികയുള്ളു. പ്രജാമണ്ഡലം ലീഡർ പറഞ്ഞതു വാസ്തവത്തിൽ ശരിയല്ലെന്നാണു് എന്റെ അഭിപ്രായം. അദ്ദേഹത്തെപ്പോലെ സമർത്ഥമായ നിലയിൽ മറ്റു മെമ്പർമാർക്കും പറയാൻ ശക്തി ഇല്ലാത്തതുകൊണ്ടു് വിഷമത്തിലായി എന്നെയുള്ളു. പ്രജാമണ്ഡലം മെമ്പർ അദ്ദേഹത്തിനെ കുറിച്ചു പറഞ്ഞ മെമ്പറെതന്നെയല്ല മറ്റുള്ളവരേയുംകൂടി അടിച്ചു. വാദപ്രതിവാദത്തിൽ ആളുകളെപ്പറ്റി പറഞ്ഞുകൂടെന്നുള്ളതും ഏപ്പോഴും ശരിയായിരിക്കയില്ല. താല്പര്യങ്ങൾ കാട്ടാൻ ആളുകളെപ്പറ്റി പറയണമെങ്കിൽ അങ്ങിനെ ചെയ്യുന്നതിൽ ഒരു തെറ്റും ഇല്ല. പാർലിമെണ്ടിലും മറ്റും ഇങ്ങിനെ എത്രയോ പറഞ്ഞവരുണ്ടു്. ബഹുമാനപ്പെട്ട പ്രജാമണ്ഡലം ലീഡർ ഇതിനു മറുപടി പറയാൻ ശ്രമിച്ചിട്ടു വാസ്തവത്തിൽ ഫലിച്ചിട്ടില്ല. ജന്മിക്കായ്മയുമായി ഇതിനു യാതൊരു ബന്ധവുമില്ലെന്നു പറഞ്ഞു പണ്ടിക്കരെ മാറി നിന്നത്താമായിരുന്നു. അതു പറയാതെ ജന്മിയല്ലെന്നു പറഞ്ഞു ഒഴിഞ്ഞുനില്ക്കാൻ ശ്രമിച്ചതു ശരിയല്ല. ജന്മി എന്നു പറഞ്ഞാൽ വലിയ ജന്മികളാകണമെന്നില്ല. ചെറിയ ജന്മികളായാലും മതി. ജന്മി എന്നതിന്റെ അർത്ഥം പറമ്പു പാട്ടത്തിനു കൊടുത്തിട്ടുള്ളവർ എന്നാണല്ലോ

LIBRARY ARCHIVES Kerala Legislative Assembly

ശിക്കുന്നതു്. പ്രജാമണ്ഡലം പാട്ടിനേതാവല്ല പറഞ്ഞിരുതെങ്കിൽ ഞാൻ ഇതിനെകുറിച്ചു പറയുകയില്ലായിരുന്നു.

മിസ്റ്റർ പുതൂർ അച്യുതമേനോൻ: അതു പാട്ടിയുടെ കാര്യമല്ല.

റാവു സാഹിബു് കെ. അയ്യപ്പൻ: ശരി, സമ്മതിച്ചു. ഏതായാലും പ്രജാമണ്ഡലം പാർട്ടി ഒഴിഞ്ഞു. അതു നന്നായി. അതുയും നമ്മൾ രക്ഷപ്പെട്ടു. ചീത്തയ്ക്കു പകരം ചീത്ത പറയണമെന്ന വാസന പ്രജാമണ്ഡലംപാർട്ടിക്കില്ലെന്നറിയുന്നതിൽ സന്തോഷിക്കുന്നു. ജന്മിയല്ല അദ്ദേഹമെന്നു പറഞ്ഞതിലും സന്തോഷിക്കുന്നു. ശകാരത്തിനു പകരം ശകാരമല്ല എന്നു പ്രജാമണ്ഡലം പാർട്ടിക്കുവേണ്ടി ഒരു മെമ്പർ പറഞ്ഞതിൽ അതിയായി സന്തോഷിക്കുന്നു.

*മിസ്റ്റർ പി. നാരായണമേനോൻ: സർ, ഇതിനെക്കുറിച്ചു എനിക്കു വലിയ പിടിയില്ല. നിയമജ്ഞന്മാരായ അനേകം ആളുകളുടെ ദീർഘമായ പ്രസംഗങ്ങൾ കേട്ടപ്പോൾ എവിടേയൊ ഒരു കുഴപ്പം ഇതിനകത്തുണ്ടെന്നു തോന്നുന്നുണ്ടു്. പ്രജാമണ്ഡലം നേതാവായ ബഹുമാനപ്പെട്ട മെമ്പർ വെട്ടിക്കുറയ്ക്കുന്നതിനായിട്ടു വരുന്ന കേസുകൾ വളരെ അപൂർവ്വമാണു്, അതുകൊണ്ടു് ഇങ്ങിനെ ഒരു അമൻഡുമെൻറിനു കാര്യമില്ലെന്നാണു് പറഞ്ഞതു് സാധുക്കളേയും കഷ്ടപ്പെടുന്നവരേയും രക്ഷിക്ക എന്നുള്ളതാണു് പ്രജാമണ്ഡലത്തിൻറെ ആദർശമെന്നും ആ മെമ്പർ പറഞ്ഞു. ആ നിലയിൽ, ആളുകൾ വളരെ കുറവാണെങ്കിലും, അങ്ങിനെയുള്ള ആളുകൾ വളരെ കുറവാണെന്നുള്ളതുകൊണ്ടു് നിശ്ചയമായും രക്ഷിക്കേണ്ട ചുമതല ആ കൂട്ടർ, കുറവായതുകൊണ്ടു് എങ്ങിനെയെങ്കിലും തുലയട്ടെ എന്നു വിചാരിച്ചു ഒരു തീരുമാനം ചെയ്യുന്നു ശരിയല്ല.

മിസ്റ്റർ പുതൂർ അച്യുതമേനോൻ: തീരുമാനിച്ചിട്ടുണ്ടോ?

മിസ്റ്റർ പി. നാരായണമേനോൻ: സപ്പോർട്ടുചെയ്യാൻ തീരുമാനിച്ചു. പ്രജാമണ്ഡലം പാർട്ടിക്കു സംശയം കൂടും. അങ്ങിനെ തീർച്ചയാക്കിയതു ശരിയല്ല. അമൻഡുമെൻറു പ്രജാമണ്ഡലം പാർട്ടി സപ്പോർട്ടു് ചെയ്യാമെന്നാണു് പറഞ്ഞതു്.

മിസ്റ്റർ പി. ഗോവിന്ദമേനോൻ: അതിനുമുമ്പാണു് പ്രസംഗം ആലോചിച്ചുവെച്ചതു് (ചിരി).

മിസ്റ്റർ പി. നാരായണമേനോൻ: ഞാൻ ഏതായാലും ശ്രദ്ധിച്ചില്ല. ശ്രദ്ധിച്ചിരുന്നെങ്കിൽ മറുപടിപറയാമായിരുന്നു. ശ്രദ്ധ വേറെ ടിക്കിലായിരുന്നു. തലവേദനയ്ക്കു ഒരു മരുന്നു്. ആ മരുന്നുപയോഗിച്ചാൽ ൨൫ മണിക്കൂറിനുള്ളിൽ തലവേദനമാറും. തലവേദനയുള്ളവർ ൨൦. ആളുകളുണ്ടു്. ൨൫ ആളുകൾക്കേ ആ മരുന്നുപയോഗിക്കാൻ കഴിഞ്ഞിട്ടുള്ളു. ൫ ആളുകൾ ആ മരുന്നുപയോഗിച്ചില്ല. അതുകൊണ്ടു ആ മരുന്നുകൊള്ളുകയില്ല. നശിപ്പിക്കണം എന്നു പറയുന്നപോലെ ആണിതു്. വെട്ടിക്കുറയ്ക്കാനുള്ള ആളുകൾ കുറച്ചെയുള്ളുവെന്നുള്ളതുകൊണ്ടു ഇതു പാസ്സാക്കുകയാണുവേണ്ടതു്. കഷ്ടപ്പെടുന്നവരേയും സാധുക്കളേയും സഹായിക്കുകയാണു് ആദർശം എന്നുപ്രസ്താപിക്കയും അതിനൊതിരായി പ്രവൃത്തിക്കേണ്ടതാണെന്ന ഒരു ധർമ്മബുദ്ധി ഇടയ്ക്കിടയ്ക്കു് ഉദയംചെയ്കയും അതിനു യോജിച്ചവിധം പ്രവർത്തിക്കുകയും ചെയ്യുന്നവർക്കു് പറയുന്ന തരത്തിലുള്ള ആ കക്ഷിയുടെ പ്രസംഗം കേട്ടപ്പോൾ എനിക്കു തോന്നിയതു്. എനിക്കുകൂടുതലായിട്ടു ഒന്നും പറയാനില്ല.

*മിസ്റ്റർ ടി. കെ. നായർ: അഡ്വാക്കേറ്റ് ജെനറലുടെ വലിയവാദത്തിനു് വിശ്വസിച്ചു ഈ amendment പ്രത്യേകമായി വളരെപ്രാവശ്യം വായിച്ചുനോക്കിയിട്ടും യാതൊരുസാധനവും അതിൽ കാണുന്നില്ല. ചുരുക്കം ഒരു കാര്യംമാത്രമേ അതിൽ കാണുന്നുള്ളു. നമ്മൾ സമ്മതിച്ചുകൊടുത്ത ഒരു കാര്യം—തൊണ്ണൂറുദിവസത്തിനകത്തു് ഒരു ഹർജ്ജികൊടുത്തില്ല എന്നുള്ളകാരണത്താൽ അവരെ ഇന്നു് പീനലൈസ്ചെയ്യണമോ വേണ്ടയൊ എന്നുള്ളതാണു്. ൨൫൨ ൽ ചിങ്ങംമുതൽ ഉണ്ടായിരുന്ന കടങ്ങൾ എല്ലാം വീട്ടുവാൻ ൨൫൨ൽ തുലാം മുപ്പതാം തിയ്യതിക്കുള്ളിൽ ഒരു അപേക്ഷകൊടുത്തിരുന്നുവെങ്കിൽ കടം കൊടുത്ത ആളുകൾ

* Speech not corrected by the Hon'ble member.

LIBRARY ARCHIVES Kerala Legislative Assembly

ക്കു് വെട്ടിക്കുറവു് കഴിച്ചുബാക്കിയുള്ളസംഖ്യയെ അന്നു് കിട്ടുകയുള്ളു. അങ്ങിനെ ഒരുപേക്ഷകൊടുത്തിരുന്ന എങ്കിൽ കടക്കാക്ക് തീച്ചയായും രക്ഷകിട്ടുമായിരുന്നു. വിവരമില്ലാത്തതുകൊണ്ടോ വേറെഎന്തെങ്കിലും കാരണംകൊണ്ടോ, ചിലക്കു് ചില പിഴവുകൾവന്നു. അങ്ങിനെ പിഴവു്വന്നിട്ടുള്ളവരുണ്ടെങ്കിൽ അവരെ നമ്മൾ സഹായിക്കേണ്ടതാണു്. എന്റെ മാന്യസ്നേഹിതൻ പറഞ്ഞതുപോലെ സാധനങ്ങൾക്കു് വിലകൂടിയിട്ടും, ആവശ്യംകഴിച്ചു ബാക്കിയുള്ളപണം ചുരുങ്ങിയ പലിശക്കു് നിക്ഷേപിക്കത്തക്ക ഒരു പരിതസ്ഥിതിയുണ്ടായിട്ടും ഈ കടം വീടത്തക്ക ഒരു കഴിവു് ഉണ്ടായിട്ടില്ലെന്നുള്ളതുതന്നെ അവർ ഈ സഹായത്തിനു് അർഹരാണെന്നു് തെളിയിക്കുന്നുണ്ടു് തൊണ്ണൂറിവസത്തിനുള്ളിൽ ഹർജികൊടുത്തിരുന്ന എങ്കിൽ അവക്കു് കുറവു് കിട്ടും ആ ഒരു ലിമിറേഷൻ അവക്കു് മാറ്റികൊടുക്കണം. തൊണ്ണൂറിവസത്തിനുള്ളിൽ ഹർജികൊടുക്കാതിരുന്ന ആ കടക്കാരന്റെ കയ്യിൽനിന്നു് ഈ വെട്ടിക്കുറവുകൂടാതെ മുഴുവൻസംഖ്യയും വാങ്ങീട്ടില്ലാത്ത വിധി ഉടമസ്ഥൻ എത്രകൊണ്ടായിരിക്കും അങ്ങിനെ മേടിക്കാതിരുന്നതു്? വെട്ടിക്കുറവുണ്ടെന്നറിയാതെ ഹർജികൊടുക്കാതിരുന്ന ആ കടക്കാരനു് നിയമാനുകൂല്യം ഇല്ലെങ്കിൽ ആ കടക്കാരന്റെ സ്ഥിതിഎന്തായിരിക്കും? അങ്ങിനെയുള്ള ഒരു കടക്കാരനു് ഈ ലിമിറേഷൻ ഒന്നുവിട്ടുകൊടുക്കുവാൻ എന്താണു് വിരോധം? അതുകൊണ്ടു് ഈ ലിമിറേഷൻ ഒന്നു് മാറ്റികൊടുക്കണമെന്നു് മാത്രമേ ഈ ഭേദഗതിയിൽ പറയുന്നുള്ളു. ഇക്കാര്യത്തിൽ എന്റെ അഭിപ്രായത്തിൽ യാതൊരുതെറ്റും കാണുന്നില്ല. അതു് അനുവദിച്ചുകൊടുക്കേണ്ടതാണു്. ഞാൻ ഇതിനെ ബലമായി പിൻതാങ്ങുന്നു.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : I submit, Sir, I was not in the least surprised at the legal feats performed by the astute Advocate-General. After the explicit explanation of the implications of the amending Bill made by my learned friend, the Hon'ble Member for Ernakulam, the House would have known that this amending Bill has got two parts, clauses 2 and 3 referring to the scaling down of arrears due from the agriculturist tenants and the other part taking in clauses 4 and 5 relating to the scaling down of agriculturists' debts as distinguished from agriculturist tenants' arrears. Now with regard to clauses two and three, which are amendments to the existing sections 16 and 17 of the Act, I have already informed the House that what led to the amendment was the decision of our Hon'ble High Court reported in 9 Cochin Law Journal which laid down that when a promissory note or any other document is taken in lieu of the arrears due from the tenant and when that debt comes up for scaling down the principles or rather the method employed in sections 16 and 17 cannot be used but what is provided for scaling down of agriculturists' debts as laid down in sections 8 and 9 of the Agriculturists' Relief Act should be applied. This method of scaling down has, as already stated, the effect of whittling down the scope of the relief allowed by sections 16 and 17 of the Act. To illustrate a promissory note is executed for arrears of pattam. There was a suit. It was held by the majority of the judges that it was to be scaled down only as a debt and not as rent.

Now with regard to that portion of the amending Bill I have to invite the attention of the treasury benches to what transpired at an earlier stage of the Bill for that will be helpful at the time of voting if a vote will be necessary. When this Bill was introduced by me in 1119 the Hon'ble Member for Revenue, who, I am afraid, is not listening to the debate opposed it.

Rao Sahib A. Madhava Prabhu *(Diwan Peishkar)* : I am listening.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : Yes, Sir, I am glad the Hon'ble Member assures me he is listening. He then opposed clauses 2 and 3 on the ground that landlords who would have taken documents in settlement of arrears of pattam or michavaram would have dealt with the documents and third parties would be affected by the amendment. Consistently with this attitude, at the time of the Select Committee stage also the Hon'ble Member for Revenue opposed clauses 2 and 3 in the form in which these clauses stood in the draft Bill. He said that to apply the principle of sections 16 and 17 as far as the original parties to the document are concerned is reasonable. He would not agree to go further and apply the same principles where these documents had changed hands. I was agreeable for a compromise just to get the unanimous support of the committee and clauses 2 and 3 as they appear in the first Select Committee report is the result of that compromise. The Government spokesman seems to have forgotten all these things and he opposes even the modified clause two. This is strange.

LIBRARY ARCHIVES Kerala Legislative Assembly

Now at the last meeting in November 1945 when for reasons then stated and accepted by this House, the House agreed for a recommittal, with reference to clauses 4 and 5. The recommittal alone was objected to and the reason for the objection was that these clauses be retained if that is the will of the House though the majority had recommended their deletion. Never a murmur about clauses two and three, not even from the astute Hon'ble Member for law nor from the Hon'ble Member for Revenue who then took the house into regions which were not at all relevant to the discussion then. You may please look into the typed copy of the last Council Proceedings. With this back ground how can I characterise the attitude assumed by the Government to-day in attacking those two clauses also. I can understand their opposition to clauses 4 and 5. At least the merits and credit of consistency are there in it.

But the Government lately, Sir, is seen to be changing its views. In 1120 Meenam, when the amending bill on the Verumpattamdars Act which wanted the land to be given back to the Jenmi for the purpose of self-cultivation came up I was surprised to see Government accepting that position, a Government, Sir, which in the month of Makaram, 1118 that is, when the original Verumpattamdars Act was discussed, was seen to fight very vehemently against such a position. That after 2 years, that is after the lapse of 24 months only the Government could change their attitude is not easily understandable. To what extent was the change? To the extent of forcing me to characterise the change of attude as being briefed by the Jenmies. After all the Jenmies' interest and the Government interest are identical. Every Government is a capitalist one in the ultimate analysis. Government except in one or two places where the other part of the picture has taken shape is a capitalistic one. This sort of attitude assumed by the Government will only be hastening the way for the desired thing. If you are sincere about your attitude, give room for that system of Government. I can only characterise this change of views of the Government with regard to clauses two and three as a "Volte face". Can the Government change their mind like this? I do not say that the Government's opinion must never be changed, but there must be reasonable reasons for a change of opinion. In the face of the change shown in 1120 with regard to the Verumpattamdars (Amendment) Bill wherein eviction for self cultivation was sought, this change of attitude is nothing surprising at all. Look at the explanation when a pointed question was asked by the Hon'ble Member for Trichur Ezhuvas. It was said in answer, Sir, that it was Mr. M. Sivarama Menon, the individual and not the Advocate-General of Cochin that had subscribed to the majority report. "It was my individual opinion" so said the Government spokesman.

Mr. M. Sivarama Menon *(Advocate-General):* You are referring to the Select Committee.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Now, Sir, that was the ugly explanation. It was not the Advocate-General of Cochin who subscribed to that position in the majority report, it was not the Hon'ble Member for Revenue, who took that attitude but it was in each case the individual in these. You are after all impervious and inconsistent.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* It will be helpful if the House is adjourned so that we may attend to the ceremony of "Thirumulkazhcha".

Mr. Deputy President: Will the Hon'ble Member take much time?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I have dealt with only some aspects of clause two and three, I will have to answer in detail with regard to clause 2 and 3 which is sure to take a little time.

Mr. Deputy President: Is the House agreeable to adjourn? I have no objection.

The House rose for the day at 3-30 p.m.

N. S. RADHAKRISHNA SARMA

Secretary to the Council

LIBRARY ARCHIVES Kerala Legislative Assembly